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James C. Wray
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In re Application of :
Petra KOSCHANY :
Application No.: 09/019,231 : DECISION ON
PCT No.: PCT/EP01/03488 :
Int. Filing Date: 27 March 2001 :
Priority Date: 28 March 2000 : PETITION UNDER
Attorney's Docket No.: MSI :
For: Method of Operating a Fuel Cell System, :
and Fuel Cell System Operable Accordingly : 37 CFR 1.137(b)

This is in response to "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed on 28 December 2001.

BACKGROUND

On 27 March 2001, this international application was filed, which claimed an earliest priority date of 28 March 2000.

No Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 28 November 2001. This international application became abandoned with respect to the United States at midnight on 28 November 2001 for failure pay the basic national fee.

On 28 December 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **28 December 2001**.



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